

EXHIBIT 33

In the Matter Of:

FAIR FIGHT ACTION vs RAFFENSPERGER

18-cv-5391 (SCJ)

OFFICE OF THE SECRETARY OF STATE

January 06, 2020

30(b)(6)



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1 A Not talking about these things? I'm not
2 sure I understand what you're asking.

3 Q I'm going to take this in bite-size
4 pieces. So that's really what I'm trying to do. So
5 I want to exclude from this question whether there
6 have been any changes to policies or practices other
7 than might have been made with respect to voting
8 machines or --

9 A Other than voting machines?

10 Q -- and provisional ballots.

11 Yes. And provisional ballots. Other than
12 those two things.

13 A Okay. Well, first of all, we don't
14 provide provisional ballots to the counties. The
15 Secretary of State's Office, center of election
16 system, provides the database for the counties to
17 create their ballots, whether it's absentee,
18 provisional, and the counties are solely responsible
19 for obtaining their own provisional ballots.

20 So we don't provide any provisional
21 ballots to the counties.

22 As far as the equipment, we've made a lot
23 of plans and have executed on a lot of them since
24 2018 regarding new equipment, in terms of
25 purchasing, going through an RFP process, signing a

1 directly to me, too.

2 Q How are the new voting machines being
3 allocated to particular precincts or polling places?

4 A That's done by the county.

5 Q In your December 5th, 2019 deposition you
6 testified that The Secretary of State's Office has
7 been encouraging counties to increase the number of
8 polling places they have, correct?

9 A Yes, ma'am.

10 Q Have the counties done that?

11 A Some have.

12 Q Which counties?

13 A I know Paulding and Forsyth County have
14 increased.

15 I know that Chatham County is planning to
16 increase. I don't know that they've taken the
17 official action with their boards to do that but
18 they're planning on adding either one or more
19 additional polling places.

20 And there may have been others. Those are
21 the ones that kind of come to the forefront.

22 Q How many polling places total have been
23 added in the last year and a half?

24 A I don't -- I don't know.

25 Q Is it more than 10?

1 county elections officials?

2 A Yes.

3 Q What changes has it made?

4 A A couple. First of all, we have increased
5 the number -- the depth and the -- or the number and
6 depth, I will say, of training opportunities for the
7 counties that we provide.

8 We do at least monthly webinars with the
9 -- the training administrator does. We put out
10 training documents when changes happen in the law or
11 things like that get updated.

12 You know, respecting your request not to
13 talk about the new training stuff, a lot of times in
14 these calls I have with the counties, while they're
15 focused primarily on the new equipment and things
16 related to that, we also will talk about other
17 things that are happening, training issues that come
18 up. So I wouldn't say that it's a hundred percent
19 about the new voting system. It's probably 75
20 percent about the new voting system, but would also
21 use that opportunity to provide reminders, updates,
22 training, whatever, on things that might be coming
23 up there that are topical.

24 For example, reminding them that
25 qualifying is coming up and to review the materials

1 that are on Firefly, having to do with qualifying
2 candidates.

3 So those would be additional things that
4 we've done.

5 We've also, and this is sort of a -- kind
6 of straddling the line, because it is as a result of
7 new legislation, but we've got a mandatory cyber
8 training, cybersecurity training that we require
9 everybody that accesses our voter registration
10 system to take. Now, that's a result of HB 392, I
11 think, but we implemented and trained on that at the
12 end of -- at the end of 2019.

13 We, in addition, we have increased our
14 presence at regional meetings that county election
15 officials call to provide -- again, sometimes it's
16 on the new voting system but often it's on other
17 topics or events that come up, or that are sort of
18 on the calendar, coming up on the calendar.

19 Our training calendar is basically --
20 mirrors the election calendar. We're getting ready
21 to do a webinar I think either this week or next
22 week that's going to cover things like UOCAVA
23 training, because we're coming up on the
24 presidential privilege primary. UOCAVA, absentee
25 balloting, candidate qualifying, things like that.

1 So generally I will say while we do a lot
2 of the same things we did prior to 2018, we're doing
3 more of them. I think we're doing them at a much
4 higher level, with a lot more regularity and,
5 frankly, in a lot more depth.

6 Q Prior to November of 2018, was The
7 Secretary of State's Office providing monthly
8 webinars?

9 A We were providing webinars. I don't know
10 -- my impression, my memory is that they were not
11 quite as regular and they were not quite as in-depth
12 as the ones we do now.

13 Q When you say --

14 A But we were providing them.

15 Q Excuse me.

16 When you say in-depth -- you used that
17 term a couple of times in connection with training
18 materials -- what do you mean?

19 A I mean going beyond just necessarily the
20 letter of the law and saying you must do this in
21 three days.

22 To go a little bit deeper and sort of
23 explain why this is important, to try to give a
24 little bit more context to whatever it is we're
25 trying to train on.

1 their poll workers.

2 Q You mentioned before in terms of the
3 changes that you identified in training policies and
4 practices putting out training documents when the
5 law is changing, correct?

6 A Yes, ma'am.

7 Q That's something that the Secretary of
8 State's Office has done prior to November of 2018;
9 isn't it?

10 A Yes.

11 Q You also mentioned mandatory cybersecurity
12 training, correct?

13 A Yes.

14 Q Is there any other training that the
15 Secretary of State's Office provides other than its
16 certification training for superintendents and
17 registrars that is mandatory training?

18 A Well, the certification, the initial
19 certification course you're talking about, the law
20 also requires that the county election officials
21 receive annual training. It's generally done
22 through -- for the most part of the conference the
23 attendants at the state conference covers that. But
24 probably other than that, no.

25 Q And this mandatory cybersecurity training

1 Rights Act.

2 Q Well, explain that answer to me. I don't
3 understand that answer.

4 A Okay. I'm not aware of anything that we
5 do or encourage that is not in compliance with the
6 Voting Rights Act. There's nothing we do that
7 encourages or allows or suggests any discrimination
8 in voting.

9 Q Well, my question is a little bit
10 different. It's not, it's not whether or not you
11 encourage discrimination, but really what are the
12 policies and practices that the Secretary of State
13 has both for itself and for ensuring that counties
14 do not discriminate on the basis of race in election
15 practices?

16 A Well, it would certainly be to investigate
17 any allegations that any of that's happening, which
18 we do very actively. So if somebody makes an
19 allegation that something -- somebody's doing
20 something in violation of the Voting Rights Act, we
21 would immediately investigate and send that to the
22 State Election Board.

23 You know, that's -- and we've been doing
24 that for years.

25 So I mean to that extent, to deal with

1 when I mentioned Lynn Bailey was on this, on the
2 Rules Committee, she sort of consults with her
3 contingency in that group. So they're aware of
4 what's going on.

5 Q Does the Secretary of State have any
6 policy or practice to double-check the provisional
7 ballots that the counties provide?

8 A What do you mean double-check?

9 Q See if they're in compliance with whatever
10 the law --

11 A The ballots themselves, or whether they're
12 accepted or rejected?

13 Q No. The actual ballots themselves.

14 A Well, they're printed from our -- the
15 database we provide. So we provide the database to
16 the counties. The counties then either print their
17 own with a mobile ballot printer or they contract
18 with a printer to print their ballots, and they're
19 responsible for proofreading and checking for
20 accuracy.

21 If there's a problem with them, they have
22 to let us know because we have to change the
23 database. So that's almost a built-in fix right
24 there.

25 So if they find a problem, they've got to

1 documents reflect that. And to be clear, it still,
2 as I've testified before, and as I believe is still
3 true, it's ultimately the county's call. I'm not
4 sure that in every case expanding polling places is
5 necessary or is practical.

6 So I don't know that -- I've not suggested
7 that every county in every circumstance needs to
8 increase their number of polling places. I don't
9 think that's a realistic, accurate statement. But
10 in cases where they've had problems, I have
11 encouraged that.

12 (WHEREUPON, Plaintiff's Exhibit-150 was
13 marked for identification.)

14 BY MS. TANIS:

15 Q I'm handing you what I've marked as
16 Exhibit 150.

17 Do you recognize Exhibit 150, Mr. Harvey,
18 as a September 11, 2019 email exchange that involves
19 you and Tess Hammock and Jordan Fuchs and some other
20 people?

21 A I do. I recognize -- I haven't read it
22 yet, but I see that's what it is.

23 Q Take a minute if you want to take a look
24 at the document.

25 A Okay.

1 consider their polling places and whether they need
2 more polling places just for equipment purposes.
3 This equipment takes up a little bit more space. If
4 you've got a space that is maybe smaller, then maybe
5 a time to consider an additional polling place.

6 If there are other restrictions on a
7 polling place, now is a good time to consider
8 polling places. We've made that, we've made that
9 point to the counties as well.

10 Q Okay. And other than what you've already
11 testified about, is there anything else that the
12 Secretary of State's Office is planning to do to
13 encourage counties to increase the number of polling
14 places?

15 A Not that I'm aware of.

16 Q All right. And other than what you've
17 already testified about, has the Secretary of State
18 made any changes to its policies or practices to
19 reduce long wait times for voting?

20 MR. BELINFANTE: Object to the form.

21 A Well, I mean we don't have anything to do
22 with long wait times. Again, that's a county issue
23 that's generally a result of a county problem.

24 I think everything that I've talked about
25 before about us encouraging, you know, more

1 training, encouraging more polling places,
2 encouraging more advanced voting, encouraging more
3 people, more poll workers to move voters through the
4 voting process, all of those things are designed to
5 keep the process going.

6 As I testified in court, I believe it was
7 in court, that the accuracy of the voter's list
8 decreases wait times because it keeps people moving
9 through the system without having to stop and say,
10 wait a second, that's my address from two years ago,
11 I moved. That decreases wait time.

12 So I think all of these things are
13 designed to help the counties decrease wait times.
14 But at the end of the day, it's up to the counties
15 to do things like measure -- look historically at
16 the voting, look at what turnout's been like, look
17 at how many -- you know, if half of your voters in a
18 polling place have voted during advanced voting,
19 what does that mean for Election Day? If only a
20 quarter of them have voted on Election Day and we're
21 telling you there's going to be a massive turnout, does
22 that tell you your polling place may need some --
23 more people or more resources or additional polling
24 places?

25 These are all things we're talking with

1 Rights Act.

2 Q Well, explain that answer to me. I don't
3 understand that answer.

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5 do or encourage that is not in compliance with the
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